GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

STARRED QUESTION NO:170
ANSWERED ON:16.07.2004
PATENTING OF FOOD PRODUCTS
Kusmaria Dr. Ramkrishna

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether due to the complexity of the current rules Indian companies are facing difficulties in getting food products patented;

(b) if so, whether Government is considering/simplifying such complex rules;

(c) if so, the details thereof; and

(d) the names of the food products which have been patented by Indian companies so far ?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI E. V. K. S. ELANGOVAN)

(a) to (d): As per the provisions of the Patents Act, 1970, the inventions claiming substances intended for use, or capable of being used as food are not patentable. However, at present process patents are available for inventions relating to food products. India has an obligation under the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) to provide patents, inter-alia, for food products with effect from January 1, 2005. The implementation of this obligation will necessitate amendment to the Patents Act.